

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

AVOCET VENTURES, LP; NET PAY
ADVANCE, INC.; MODEL FINANCE CO.;
KASHABLE LLC; CONSUMER LENDING
ASSOCIATES, LLC; FREEWAY
FUNDING, INC.; CREDITCORP; and
APPALACHIAN LENDING
CORPORATION,

Plaintiffs,

v.

UNITED STATES SMALL BUSINESS
ADMINISTRATION; ISABELLA
CASILLAS GUZMAN, in her official
capacity as Administrator of the Small
Business Administration; JANET YELLEN,
in her official capacity as United States
Secretary of Treasury; and THE UNITED
STATES OF AMERICA,

Defendants.

Civil Action No. 4:22-CV-01070-O

**PLAINTIFFS' STIPULATION OF VOLUNTARY DISMISSAL WITHOUT
PREJUDICE PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii)**

Pursuant to Fed. R. Civ. P. 41(a)(1)(ii), Plaintiffs respectfully notify this Court that they are dismissing Plaintiffs' claims without prejudice to refiling. Defendants do not oppose this request, as represented by their signature below. Defendants have agreed to not undertake any collection efforts on Plaintiffs' challenged Paycheck Protection Program loans until a decision is reached and all appeal rights lapse in *DACO Investments, LLC v.*

SBA, No.6:22-cv-01444 (W.D. La. May 27, 2022), an earlier-filed case involving similarly situated plaintiffs and substantially the same issues. Should any Plaintiff in this case receive a collection notice while that litigation is pending, Defendants agree that Plaintiffs may disregard that collection notice, and Plaintiffs (or Plaintiffs' counsel) will notify Defendants (or Defendants' counsel) that they have received such collection notice. The parties also agree that each party shall pay their own costs and attorneys' fees incurred in connection with this matter.

Date: August 11, 2023

Respectfully submitted,

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Attorneys for Defendants

CERTIFICATE OF SERVICE

In accordance with Fed. R. Civ. P. 5(b)(2)(E), I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

/s/Austin R. Nimocks

Austin R. Nimocks